

2 Panther Deaths In Raid in Chicago Ruled 'Justifiable'

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CHICAGO, Jan. 21—A special coroner's jury ruled today that the deaths of two Black Panthers slain in a pre-dawn police raid were "justifiable."

The verdicts in the deaths of Fred Hampton, the 21-year-old chairman of the Illinois chapter of the Black Panther party, and Mark Clark, 22, a Panther from Peoria, came this afternoon after more than five hours of deliberation.

Attorneys representing the families of the two dead men had not called any witnesses at the inquest. They said they feared to reveal their plans for the defense at any trial of the seven Panthers who survived the raid. A Cook County grand jury is considering indictments against the seven for attempted murder.

In similarly worded statements, brought in at 4:35 P.M., the six-man panel found that, "solely on the evidence presented," the deaths of the two Panthers were "justified."

Both men were shot to death in a raid on a cramped five-room West Side apartment at 4:40 A.M. Dec. 4 by policemen attached to the State's Attor-

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ney's office. The police had a warrant to search for weapons.

The police have said that the two men died in a fierce gun battle lasting at least 10 minutes, touched off when people in the apartment opened fire on the police with shotguns.

The Panthers have charged that the police entered the apartment shooting and that Mr. Hampton was "murdered in his bed." In the days after the incident, they led people on tours through the apartment, contending that all the bullet holes were in the places where the two dead and four wounded Panthers had been found.

The specially appointed jury began its deliberations after testimony ended on the 12th day of the inquest.

Chemist's Testimony

The final witness was George Christopolis, a coroner's chemist, who testified that two examinations of Mr. Hampton's blood had not disclosed any traces of barbiturates.

Dr. Victor Levine, a former coroner's pathologist who conducted an independent autopsy on Mr. Hampton's body, has said that his examination showed the blood contained a heavy dose of barbiturate. Second, about three times the amount necessary to put a man of Mr. Hampton's size to sleep.

Dr. Levine did not testify at the inquest.

After sending out for lunch, for 12 Coca-Colas at mid-afternoon, and, finally, for a typewriter, the jury members filed back into the drab, wood-

paneled courtroom on the seventh floor of the county courthouse and passed the statement to the coroner, Dr. Andrew J. Toman.

Mr. Clark died of a "bullet through the chest, heart and lungs," suffered when "certain policemen assigned to the State's Attorney's office" carried out a search warrant, Dr. Toman read.

Jury Is Disputed

The police "then and there used firearms," the coroner went on, because they "reasonably believed it necessary to prevent death or great bodily harm."

"Solely on the evidence presented," he went on, the panel found the death "justifiable."

A woman in the front row, identified as Mr. Clark's mother, stood up and said, "It was not." Then she sat down.

Then Dr. Toman read a similarly worded statement finding that Mr. Hampton's death was justifiable.

The slain Panther leader's mother, Mrs. Iberia Hampton, had sat impassively, hands folded across her chest, in the first row of benches through each day of the inquest.

As the courtroom was cleared, she was asked if she had any comment on the verdict.

"No, not any to make," she said, shaking her head. "Rotten people, the whole bunch is rotten people."

"They're no good. I hope they all have got children and they know how I feel about it."

State's Attorney Edward V. Hanrahan, however, issued a statement saying:

"The coroner's jury's verdict speaks for itself; it is recognition—by an independent, objective agency—of the truthfulness of our police officer's account of the events of Dec. 4."

James Montgomery, an attorney for the Panthers, charged that the inquest was a "well-rehearsed theatrical performance to justify these police officers in the killing and wounding of the Black Panthers."

No Traces of Plaster

The testimony today opened with Douglas Childress, a coroner's autopsy assistant, saying that he had immediately washed the only bullet recovered from Mr. Hampton's body and that he had not noticed any traces of plaster on the wound or the slug.

Such traces would indicate that the bullet had struck the slain Panther through the wall of the back bedroom in which he died.

Yesterday a police firearms examiner testified that the bullet recovered from Mr. Clark had been fired from a .30-caliber carbine.

The only police officer carrying such a weapon was Patrolman James Davis, a Negro who has been the focus of much resentment in the black community over the raid. He has testified that he did all his shooting in the front living room.

Mr. Hampton was shot three times and died of bullet wounds in the head and brain. The coroner's pathologist who examined him testified that two bullets had gone through Mr. Hampton's head from opposite sides and that the third bullet, the carbine slug, had entered his shoulder.